

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,	)	
RICHARD E. RICHARDS, KENNETH	)	
RINGER, and SERGIO RIVAS,	)	
	)	
Plaintiffs,	)	No. 5:22-cv-00397-JFL
	)	
and	)	
	)	
ZACHARY COHEN,	)	
	)	
Intervenor-Plaintiff,	)	
	)	
v.	)	
	)	
LEHIGH COUNTY BOARD OF	)	
ELECTIONS,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
DAVID RITTER,	)	
	)	
Intervenor-Defendant.	)	

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**ORDER**

This matter is before the Court on the parties' cross-Motions for Summary Judgment. Upon consideration of the briefs of the parties, materials submitted in support of and in opposition to both Motions and the argument of counsel, it is hereby:

ORDERED that Defendant Lehigh County Board of Election's Motion for Summary Judgment (ECF No. 32) is **DENIED**;

ORDERED that Intervenor-Defendant David Ritter's Motion for Summary Judgment (ECF No. 34) is **DENIED**;

ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 33) is **GRANTED**;

ORDERED that rejection of timely submitted mail-in ballots based solely on failure to insert the date next to the voter's signature on the return envelope under 25 P.S. §§ 3146.6(a), 3150.16(a) violates the Materiality Provision of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B);

ORDERED that such rejection facially violates the First and Fourteenth Amendments to the United States Constitution;

ORDERED that Defendant Lehigh County Board of Elections is permanently **ENJOINED** from rejecting or otherwise not counting the 257 otherwise-valid mail-in ballots timely submitted by 8:00 p.m. on Election Day based solely on the failure to include a date on the return envelope;

ORDERED that Defendant Lehigh County Board of Elections is permanently **ENJOINED** from certifying the 2021 election in Lehigh County without counting such mail-in ballots and adjusting the vote totals;

ORDERED that Defendant Lehigh County Board of Elections is permanently **ENJOINED** in future elections from discarding any ballots for a voter's failure to date the voter's declaration, and;

ORDERED that Defendants shall pay Plaintiffs their reasonable attorney fees and related costs upon submission of an appropriate fee petition, pursuant to 42 U.S.C. § 1988.

SO ORDERED:

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Hon. Joseph F. Leeson, Jr.  
United States District Judge